Government of Saskatchewan

Annual Report 1999

Saskatchewan Public and Private Rights Board

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Saskatchewan

Saskatchewan
Public and Private
Rights Board

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March 1, 2000

Honourable Roy Romanow, Q.C.
President of the Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 1999 to December 31, 1999.

Respectfully submitted,

Kenneth W. Acton
Chairman

Staff

The staff of the Public and Private Rights Board as at December 31, 1999:

K. W. Acton, Chairman
Verna LeBlanc, Administrative Assistant

Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board has the authority to review matters relating to the expropriation of land or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

(a) the route, situation or design of a public improvement;

(b) the amount of compensation offered for the expropriated land.

During 1999, the Board handled six (6) claims.

Of the six claims handled, two were received through the year and four were carried over from 1998. The Board concluded its investigation on five claims. There was one active case as of December 31, 1999.

The primary role of the Public and Private Rights Board is dispute resolution. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and/or what fair and reasonable compensation should be paid for the required land or easement.

> *"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*

(Expropriation in Canada – A Practitioner's Guide, by Kenneth J. Boyd, Canada Law Book Inc., Aurora, Ontario, 1988, p 27)

The Board is pleased to report another successful year. The Board continues to receive a number of inquiries each year from landowners requesting information or assistance. With the co-operation of those involved, the majority of these situations are resolved informally. Only two situations in the past year required a more formal, in-depth negotiation.

We attribute this low level of activity to the excellent approach taken by expropriating authorities in dealing with the concerns of landowners.

Tables

(a) Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 1999.

I. Number and Nature of Claims Negotiated in 1999

(A)	Carried forward from 1998:		
	i)	Route, Situation or Design	1
	ii)	Compensation	3
		Subtotal	4
(B)	New claims received in 1999:		
	i)	Route, Situation or Design	0
	ii)	Compensation	2
		Subtotal	2
		Total	**6**

II. Number and Nature of Claims Completed in 1999

i)	Route, Situation or Design	1
ii)	Compensation	4
	Total	**5**

III. Number and Nature of Claims Withdrawn in 1999

i)	Route, Situation or Design	0
ii)	Compensation	0
	Total	**0**

IV. Number and Nature of Claims Carried Forward into 2000

i)	Route, Situation or Design	0
ii)	Compensation	1
	Total	**1**

(b) Number and Nature of Claims Received by the Board in 1999 (by Expropriating Authority)

Expropriating Authority	Route, Situation or Design	Compensation	Total
SaskTel	0	1	1
SaskPower	0	0	0
SaskEnergy	0	0	0
Miscellaneous	0	1	1

(c) Number and Nature of Claims Initiated with the Board in 1999 (by Expropriating Authority)

Expropriating Authority	Route, Situation or Design	Compensation	Total
SaskTel	0	1	1
SaskPower	0	0	0
SaskEnergy	0	0	0
Miscellaneous	0	1	1

(d) Resolution of Claims Initiated with the Board in 1999 (by Expropriating Authority)

Expropriating Authority	Negotiated Successfully	Negotiated Unsuccessfully	Withdrawn	Total
SaskTel	3	0	0	3
SaskPower	0	1	0	1
SaskEnergy	0	0	0	0
Miscellaneous	1	0	0	1

(e) Number and Nature of Claims Received by the Board (1989-1999)

Year	Route, Situation or Design	Compensation	Total
1989	17	20	37
1990	3	3	6
1991	6	7	13
1992	2	5	7
1993	1	1	2
1994	3	3	6
1995	3	3	6
1996	3	4	7
1997	2	4	6
1998	3	6	9
1999	0	2	2

(f) Number of Claims Received by the Board by Expropriating Authority (1989-1999)

Year	Conservation and Development Area Authorities	SaskTel	Sask Power	Sask Energy	Sask Hwys	Misc.
1989	0	18	14	0	5	0
1990	0	4	0	0	1	1
1991	0	8	4	0	1	0
1992	0	3	0	0	3	1
1993	0	0	0	0	0	2
1994	0	2	1	2	0	1
1995	0	4	0	2	0	0
1996	0	4	2	0	0	1
1997	0	2	3	0	0	1
1998	0	4	2	0	1	2
1999	0	1	0	0	0	1